



# Kansas Department of Health and Environment

## Long Term Care Program

# FACT SHEET

Volume 23, Number 1

[www.kdhe.state.ks.us/bhfr](http://www.kdhe.state.ks.us/bhfr)

January 2002

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PLEASE ROUTE THIS *Fact Sheet* TO NURSING STAFF AND OTHER INTERESTED PARTIES IN YOUR FACILITY. THIS PUBLICATION MAY BE COPIED OR ACCESSED THROUGH THE INTERNET ADDRESS ABOVE.

*The Long Term Care Program Fact Sheet is a newsletter published by the Kansas Department of Health and Environment and sent quarterly to all nursing facilities, long term care units in hospitals, critical access hospitals, intermediate care facilities for the mentally retarded and nursing facilities for mental health. This newsletter provides important up-to-date information concerning regulations and policies that affect long term care providers.*

### Adult Care Home Regulations Amended

Attached to this issue of the *Fact Sheet* are copies of amendments made to the Adult Care Home regulations. The requirements that Advanced Registered Nurse Practitioners and Physician Assistants provide a written protocol indicating the tasks delegated by the physician and that the physician co-sign medication orders were deleted from K.A.R. 28-39-155. The definition for dietetic services supervisor was amended to include an individual certified by the Board of Dietary Manager's Association (K.A.R. 28-39-144(r)(3)). Additional changes in the regulations relate to grammar and style.

Please be sure the pages containing the amended regulations are placed in the facility's copy of the Nursing Facility regulations. The regulations will also be posted on the Bureau of Health Facility's web site.

### Regulation Interpretations

Three regulation interpretations are attached to this issue of the *Fact Sheet*. The interpretations relate to regulations for assisted living/residential health care facilities. Please insert these interpretations in the facility's interpretation manual.

The *Fact Sheet* is published by the Kansas Department of Health and Environment.

Bill Graves, Governor  
Clyde Graeber, Secretary  
Bureau of Health Facilities  
1000 SW Jackson, Suite 330  
Curtis State Office Building  
Topeka, Kansas 66612-1365  
(785) 296-1240

## Exemplary Nursing Facility Awards

The following nursing facilities were recognized by Secretary Graeber for exemplary care. These facilities were in full compliance with all licensure and certification requirements. In addition, they had developed programs which resulted in enhanced resident care and quality of life outcomes.

- g Cheney Golden Age Home, Cheney. Cheney Golden Age Home developed and implemented care management systems which enables residents to function at their highest practicable level in the areas of activities of daily living and mobility.
- g Villa St. Joseph, Overland Park. Villa St. Joseph developed and implemented programs that prevent accidents and adverse resident events.
- g Prescott Country View Nursing Home, Prescott. Prescott Country View provided psychosocial program to residents to increase their level of psychosocial functioning. The facility also provides residents with creative and innovative activity/social programs based on varying abilities, interests, and levels of functioning.
- g Meadowbrook Rehabilitation Hospital, LTCU. Meadowbrook LTCU developed and implemented a program that resulted in residents regaining and/or maintaining the highest practicable level of mobility.

## MDS, RAPs and Care Planning

Accurately completing the minimum data set and developing and implementing an effective care plan are essential components to good care in a nursing facility. Kay Jenista, RN, MSN provides training for facility staff on how to accurately complete a MDS. She has also developed a one day course on using the RAPs to develop an effective care plan. The schedule for MDS related courses are posted on the MDS website accessed when facilities transmit assessments to the CMS data base. It has been identified that staff are not aware of these course offerings. The MDS and RAPs class schedules are posted on the KDHE Internet site. Interested persons can enroll on the internet using posted enrollment form. Please check out the website at [www.kdhe.state.ks.us/bhfr/mds\\_oasis/index.html](http://www.kdhe.state.ks.us/bhfr/mds_oasis/index.html)

Attached to this issue of the *Fact Sheet* is the current MDS, RAPS/Care Planning training schedules and the enrollment form. If you have any questions, please contact Kay Jenista at 785-296-1240.

## ABC's of Long Term Care

Representatives from the Kansas Department of Health and Environment, Kansas State Fire Marshal's office, Kansas Department on Aging and Kansas Department of Social and Rehabilitation Services will provide a workshop to providers of long term care in Kansas. The workshops are intended to provide an opportunity for agency staff to share information with current and potential providers on federal and state regulations and programs related to long term care services for adults in Kansas. Participants will have the opportunity to talk about their specific needs individually with agency staff. The attached workshop announcement includes a list of topics to be covered.

The first workshop is planned for March 12 in Topeka. Two sessions will be offered. There will be a limit of 45 attendees at each session. Information about the March 12<sup>th</sup> meeting is included with this issue of the *FACT SHEET*. Based on the response to the format of the workshop and the number of attendees, plans will be made to hold similar workshops in the Wichita, Kansas City, western Kansas and southeast Kansas areas in the following months. Information about upcoming workshops will be posted on KDHE and KDOA websites.

## Semi-Annual Report and Annual Resident Statistical Report

Enclosed with this *Fact Sheet* is the Long Term Care Semi-Annual Report for the six month reporting period from July 1, 2001 through December 31, 2001. **The deadline for filing this report is January 15, 2002.** K.A.R. 28-39-163(d) and K.A.R. 28-39-240(i) states that administrators and operators are required to file semiannual and annual reports with the department. The report forms are forwarded to the School of Social Welfare at the University of Kansas. Staff at KU compile the data and publish a report which is available to state agencies and the public. It is very important that the information provided be accurate. There has been a significant increase in the use of the reports by the public.

Sandra Dickison is the staff person within the bureau responsible for managing the reports. If you have any questions, please contact Sandra at (785) 296-1245.

## OSHA Needle Stick Prevention Initiative

The bureau has received a number of phone calls concerning the new needle stick prevention standards for employers. OSHA has posted information on this new standard on their website. The website address is <http://www.osha.gov/media/oshnews/may01/national-20010509.html>.

## State Fire Marshal's Office Requirements

The Kansas State Fire Marshal's Office (KSFMO) is responsible for enforcing the Life Safety Code in Kansas health care facilities. All new proposed facilities, remodeling of existing health care facilities, and changes in occupancy uses must meet Life Safety Code requirements.

KSFMO requires the owner/operator to contract with a Kansas Licensed Architect or Engineer to provide a "code footprint" compliance document. The "code footprint" will provide information about the Fire and Life Safety aspects of the building. It is very important that the KSFMO is provided a code footprint prior to construction, remodeling or change in use of a health care facility. Please contact Patricia Thorson at 785-296-3401 for further information.

## Myrt Heronime Retires

Myrt Heronime, the Complaint Intake Specialist in the bureau's Complaint Program, retired December 14, 2001 after 10 years of service on the bureau's Complaint Hotline. The Bureau will miss Myrt but we congratulate her on her retirement and wish her well.

Carolyn Anderson, RN, started with the bureau November 26, 2001 and will be taking Myrt's place as our Complaint Intake Specialist.

## Bureau of Health Facilities Staff

The listing below was developed to assist providers in reaching the appropriate staff person when they call the bureau. Please provide this listing to your staff.

<b>Licensure and Certification Program</b>	
Questions related to licensure and certification	Greg Reser, Director, (785) 296-1260 <a href="mailto:greser@kdhe.state.ks.us">greser@kdhe.state.ks.us</a>
Medicare certification and change of ownership, change of resident capacity	Tamara Wilkerson(785) 296-1263; <a href="mailto:twilkers@kdhe.state.ks.us">twilkers@kdhe.state.ks.us</a>

<p>Licensure, letters of intent, licensure forms, change of ownership, change of administrator</p> <p>Long Term Care Enforcement</p>	<p>Rita Bailey, (785) 296-1259; <a href="mailto:rbailey@kdhe.state.ks.us">rbailey@kdhe.state.ks.us</a></p> <p>Debra Dennon-Mapes, (785) 368-7055; <a href="mailto:ddennon@kdhe.state.ks.us">ddennon@kdhe.state.ks.us</a></p>
<p><b>Long Term Care Program</b></p> <p>Policies and regulations related to the operation of nursing facilities, LTC units in hospitals, assisted living/residential health care facilities, home plus, adult day care, home health agencies and hospice</p> <p>Resident Assessment Instrument (RAI) and Outcomes and Assessment Information Set, training schedule for MDS, RAP's and care-planning, (OASIS). Questions related to who can complete the MDS and OASIS, submission schedules and clarification of operational definitions of assessments items</p> <p>Standards of practice for nutrition and hydration of patients and residents, sanitation and organization of kitchens in health care facilities, survey process related to nutrition, hydration and sanitation. Questions related to the practice of licensed dietitians and dietary managers. Issues related to semi-annual reports and statistical reports.</p> <p>Questions related to the physical environment of current and proposed health care facilities and changes in the use of a required room or area</p>	<p>Patricia Maben, (785) 296-1240 <a href="mailto:pmaben@kdhe.state.ks.us">pmaben@kdhe.state.ks.us</a></p> <p>Kay Jenista, (785) 291-3552 <a href="mailto:kjenista@kdhe.state.ks.us">kjenista@kdhe.state.ks.us</a></p> <p>Sandra Dickison, (785) 296-1245 <a href="mailto:sdickiso@kdhe.state.ks.us">sdickiso@kdhe.state.ks.us</a></p> <p>Lyle Adams, (785) 296-1247 <a href="mailto:ladams@kdhe.state.ks.us">ladams@kdhe.state.ks.us</a></p>
<p><b>Mental Health/Residential Facility Program</b></p> <p>Nursing facilities for Mental Health, Intermediate Care facilities for the Mentally Retarded, Assisted Living/Residential Health Care facilities, Home Plus, Boarding Care facilities, and Adult Day Care issues related to surveys</p>	<p>Gary Ingenthron or Joleen Morris (785) 296-1253 (Gary) (785) 296-1269 (Joleen) <a href="mailto:gingenthron@kdhe.state.ks.us">gingenthron@kdhe.state.ks.us</a> <a href="mailto:jmorris@kdhe.state.ks.us">jmorris@kdhe.state.ks.us</a></p>
<p><b>Health Occupations Credentialing</b> Adult care home administrators, dietitians, speech language pathologists, audiologists initial license, license renewal, reinstatement and verification</p> <p>Health Occupations Credentialing Act</p> <p>Nurse Aide training courses, sponsorship programs, course approvals, continuing education approval for licensees</p> <p>Test scheduling for nurse aides or challenging a nurse aide test with higher education</p> <p>Medication aides</p>	<p>Brenda Nesbitt, (785) 296-0061 <a href="mailto:bnesbitt@kdhe.state.ks.us">bnesbitt@kdhe.state.ks.us</a></p> <p>Marla Rhoden, (785) 296-6647 <a href="mailto:mrhoden@kdhe.state.ks.us">mrhoden@kdhe.state.ks.us</a></p> <p>Dolores Staab, (785) 296-6796 <a href="mailto:dstaab@kdhe.state.ks.us">dstaab@kdhe.state.ks.us</a></p> <p>Betty Domer, (785) 296-1250 <a href="mailto:bdomer@kdhe.state.ks.us">bdomer@kdhe.state.ks.us</a></p> <p>Stephenie McCown, (785) 296-0060 <a href="mailto:smccown@kdhe.state.ks.us">smccown@kdhe.state.ks.us</a></p>

Instructor approval/aide courses, interstate or reciprocity for aides	Fran Breedlove, (785) 296-0059 (after 3:00 <a href="mailto:fbreedlo@kdhe.state.ks.us">pm</a> ) <a href="mailto:fbreedlo@kdhe.state.ks.us">fbreedlo@kdhe.state.ks.us</a>
Test for adult care home administrators, education policies	Martha Ryan, (785) 296-0058 <a href="mailto:mryan@kdhe.state.ks.us">mryan@kdhe.state.ks.us</a>
Criminal record check program	Steve Irwin, (785) 296-8628 <a href="mailto:sirwin@kdhe.state.ks.us">sirwin@kdhe.state.ks.us</a>

## Resources for Quality Care

- *Finger Foods for Independence* by Dr. Alan Stewart and Lois Newton provides guidelines and recipes for persons with Alzheimer's disease who cannot manage forks and spoons. There are recipes and guidance to create choice and dignity at mealtime for persons who have difficulty with self-feeding.
- LaDuke, S. Terminal Dyspnea & Palliative Care/*American Journal of Nursing*, 2001; 101(11):26-31. The author discusses treatment of dyspnea for patients at end of life. She states that "Patient deaths are inevitable, 'bad deaths' - those accompanied by severe suffering - are not."
- Forbes, S. "This is Heaven's Waiting Room: End of Life in One Nursing Home." *Journal of Gerontological Nursing*, 20/01; 27(11):37- 45. Sara Forbes is Assistant Professor at the University of Kansas School of Nursing. She has been an active participant in the LIFE Project. This article provides information on issues related to end of life care in a nursing facility.
- Dementia Staff Training - In 1999 the Dementia Training Initiative was formed. Representatives from the three Kansas chapters of the Alzheimer's Association, Kansas Association of Homes and Services for the Aging, Kansas Health Care Association, Kansas Advocates for Better Care, the Office of the Long Term Care Ombudsman, Kansas Department on Aging and other health representatives met to find a way to improve the quality of care for persons with dementia.

The manual "For Those Who Take Care" by Barbara Helm, M.A. and David R. Wekstein, Ph.D. was selected as a primary resources. Barbara Helm presented two train the trainer courses in Kansas in July of 2000. Over 1000 direct care staff have attended trainings based on the manual.

The Alzheimer's Disease Education and referral Center distributes the manual. The cost of the manual is \$30.00. Orders can be placed by contacting the following:

Heartland Chapter  
3846 W. 75<sup>th</sup> St.  
Prairie Village, KS 66208  
(913)831-3888

Sunflower Chapter  
347 S. Laura  
Wichita, KS 67211  
(316)267-7300

Topeka Chapter  
515 S. Kansas Ave., St. B-2  
P.O. Box 1427  
Topeka, KS 66601  
(785) 234-2523

- A nationally accepted guide facilities may use when writing their menus is the **Food Guide Pyramid for 70+ Adults**. A narrative of why the pyramid was adapted for 70+ adults is included. <http://www.nutrition.tufts.edu> Type the words Modified Food Pyramid for Mature (70+) Adults in the search box
- Download or order **Nutrition/ Hydration campaign** information: <http://www.nmep.org> At this site, click on partner information, then click on educational resources, then click on nutrition/hydration fact pac. You can order free materials, download training materials or get an overview of the campaign.

**ANE ISSUE STATISTICS 9/01/01 to 11/30/01**  
**Hotline Calls Assigned for Investigation**

ANE Investigations

Total 507

Sept 168

Oct 168

Nov 171

Care Issues Investigated

Total 394

Sept 129

Oct 143

Nov 122

## \*Licensure Category

## Correction Orders

## 2001 Quarters

1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup>

Inadequate Range of Motion (ROM) Services

0 0 2

Inadequate Inservice Education

0 0 2

Disaster Preparedness

0 0 1

Inadequate Policies &amp; Procedures for Special Care Unit (SCU)

0 0 1

Inadequate supervision

2 2 0

Inadequate or inappropriate hygiene and skin care

3 2 0

Inadequate or unqualified staffing

2 5 2

Unsafe medication administration or storage

4 3 4

Inadequate or inappropriate dietary/nutritional services

3 1 2

General sanitation and safety

1 2 10

Inadequate accounting of funds

1 0 1

Inadequate administration

3 2 1

Other:

ANE issues

2 3 4

Inappropriate admissions

1 1 1

Resident Functional Capacity Screen

3 3 3

Negotiated Service Agreement

8 4 7

Health Care Services

6 3 4

Inadequate documentation of resident records

1 1 0

Civil Penalties

7 1 4

Correction Orders

19 8 13

Bans on Admission

8 8 7

\*A correction order or civil penalty may consist of multiple issues summarized within the licensure categories above.

**FEDERAL REMEDIES -CATEGORIES 2 & 3 - 2001 Quarters**1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup>

Civil Monetary Penalties Recommended

11 6 12

Denial of Payment for New Admissions Imposed

30 21 13

Terminations

1 1 0

NOTC

36 28 9

## **ABC'S OF PROVIDING LONG TERM CARE IN KANSAS**

The Department on Aging and the Department of Health and Environment will hold a meeting for current and potential providers of long term care services. The purpose of this meeting is to provide an opportunity for agency staff to share with potential and current providers information about regulations and programs related to long term care services for adults in Kansas.

Topics will include the following:

- How to apply for a license to operate an adult care home or home health agency. Adult care homes include nursing facilities, assisted living/residential health care facilities, home plus and adult day care.
- Life safety code requirements for new facilities and when remodeling an existing facility.
- How to enroll for Medicare/Medicaid certification.
- Providing adult day care, dementia care or respite care in a licensed adult care home.
- Preadmission Screening and the CARE program in Medicaid certified nursing facilities and distinct part units of hospitals.
- Home and Community Based Services waiver program
  - What is HCBS/FE?
  - What services may be provided under HCBS/FE?
  - Who can be a HCBS provider and how do you enroll in the program?
- Kansas Medicaid program in nursing facilities and distinct part units of hospitals

**TARGET AUDIENCE:** Persons considering seeking licensure and/or certification as a provider of long term care services and current providers

**ENROLLMENT:** Limited to 45 persons per session. Pre enrollment is requested.

**PLACE:** Topeka-Shawnee County Public Library Auditorium, 10<sup>th</sup> & Washburn, Topeka.  
Parking located to the south of library off Washburn Ave.

**DATE:** March 12, 2002

**TIME:**      **Session I 9:00 AM to 12:00 Noon**                      **Session II 1:00 PM to 4 PM**

# N Enrollment Form N

## ABC'S OF PROVIDING LONG TERM CARE IN KANSAS

Name \_\_\_\_\_

Address \_\_\_\_\_

Day-time phone number \_\_\_\_\_

'      Current provider      "      Potential provider

### TYPE OF LICENSURE - CHECK ALL THAT APPLY.

- "    Nursing facility
- "    Home Health Agency
- "    Home Plus
- "    Assisted Living/Residential Health Care
- "    Adult Day Care

### AREAS OF INTEREST - CHECK ALL THAT APPLY.

- \_\_\_\_\_ How to apply for a license
- \_\_\_\_\_ Preadmission screening & CARE Program
- \_\_\_\_\_ Life Safety code requirements for health care facilities
- \_\_\_\_\_ Home & Community Based Serv Waiver Program
- \_\_\_\_\_ How to enroll for Medicare/Medicaid certification
- \_\_\_\_\_ Kansas Medicaid Program
- \_\_\_\_\_ Providing adult day care, respite care or dementia care in an adult care home

### INDICATE SESSION:

"    **Session I   9:00 AM to 12 Noon**      "    **Session II   1:00 PM to 4:00 PM**

PLACE:      Topeka-Shawnee County Public Library Auditorium, 10<sup>th</sup> & Washburn, Topeka.  
                Parking located to the south of library off Washburn Ave.

DATE:      March 12, 2002

**f RETURN THIS ENROLLMENT FORM TO TAMARA WILKERSON,  
CERTIFICATION COORDINATOR, BHF, KDHE, 1000 SW JACKSON, STE 330,  
CURTIS STATE OFFICE BUILDING, TOPEKA, KS 66612-1365f**



Kansas Department of Health and Environment  
Bureau of Health Facilities

**TRAINING ENROLLMENT FORM FOR  
MDS OR RAPS/CARE PLANNING**

PLEASE CHECK THE TRAINING YOU PLAN TO ATTEND:

" MDS

" RAPS/CARE PLANNING

Facility:\_\_\_\_\_

Address & Zip Code:\_\_\_\_\_

E-mail address:\_\_\_\_\_

**PHONE NUMBER (very important)**\_\_\_\_\_

**Name & Phone Number of person to contact after hours if necessary to reschedule class due to weather, etc.:**\_\_\_\_\_

PLEASE ENROLL ME/US FOR THE TRAINING SCHEDULED ON

\_\_\_\_\_  
(date) (location)

NAME/LICENSURE OF STAFF REGISTERING (PLEASE PRINT)

1.\_\_\_\_\_ 4.\_\_\_\_\_

2.\_\_\_\_\_ 5.\_\_\_\_\_

3.\_\_\_\_\_ 6.\_\_\_\_\_

**PLEASE MAIL ENROLLMENT FORM TO:** MDS/RAPS Enrollment, Bureau of Health Facilities, Kansas Dept. of Health and Environment, 1000 SW Jackson, Suite 330, Curtis State Office Building, Topeka KS, 66612-1365.

- You may fax form to (785) 296-1266 or e-mail to [kjenista@kdhe.state.ks.us](mailto:kjenista@kdhe.state.ks.us).
- Please bring a copy of the RAI User's Manual with you to the MDS and RAPS classes.
- Be sure to wear comfortable clothing.

MDS 2.0 Basic Training Schedule:  
Winter-Spring, 2002

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Sponsor</b>	<b>Fees</b>
Wednesday January 9, 2002	8:30 a.m. - 4:00 p.m.	Kaw Area Technical School Conference Center, Room A/B 5725 SW Huntoon Topeka 785-228-6392	KDHE	No Fee
Wednesday February 20, 2002	8:30 a.m. - 4:00 p.m.	Butler County Community College Student Center, Purple Room 901 S. Haverhill Road El Dorado 316-322-3298	KDHE	No Fee
Thursday February 28, 2002	8:00 a.m. - 4:15 p.m.	RAI 101 (MDS 2.0) Salina Presbyterian Manor Lower Level Conference Room CEUs 2601 E. Crawford St. Offered Salina, Kansas 785-825-1366	KAHSA	Fee
Wednesday March 27, 2002	8:30 a.m. - 4:00 p.m.	Kaw Area Technical School Conference Center, Room C/D 5725 SW Huntoon Topeka 785-228-6392	KDHE	No Fee
Wednesday April 3, 2002	8:30 a.m. - 4:00 p.m.	Butler County Community College Student Center, Purple Room 901 S. Haverhill Road El Dorado 316-322-3298	KDHE	No Fee
Tuesday May 14, 2002	8:30 a.m. - 4:00 p.m.	Ft. Hays State University Trails Room, Memorial Union 600 Park St. Hays, Kansas 67601 785-628-5303	KDHE	No Fee
Wednesday May 22, 2002	8:30 a.m. - 4:00 p.m.	Hutchinson Community College C.CHCC Shear's Technical Theater 815 N. Walnut CEUs Hutchinson, Kansas Offered 620-665-4994 or 620-665-3500		Fee

RAPs and Care Plan Training Schedule:  
Winter-Spring, 2002

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Sponsor</b>	<b>Fees</b>
Thursday, January 10, 2002	8:30 a.m. - 4:00 p.m.	Kaw Area Technical School Conference Center, Room A/B 5725 SW Huntoon Topeka 785-228-6392	KDHE	No Fee
Wednesday, February 6, 2002	8:30 a.m. - 4:00 p.m.	Butler County Community College Student Center, Purple Room 901 S. Haverhill Road El Dorado 316-322-3298	KDHE	No Fee
Wednesday, March 20, 2002	8:30 a.m. - 4:00 p.m.	Johnson Co. Nursing. Center Conference Room near Health Dept. 11875 S. Sunset Olathe 913-894-8383	KDHE	No Fee
Wednesday, March 29, 2002	8:00 a.m. - 4:15 p.m.	RAI 201 Salina Presbyterian Manor (RAPS/Care Lower Level Conference Room Planning 2601 E. Crawford St. Salina 785-825-1366	KAHSA	CEUs Offered FEE
Wednesday, April 10, 2002	8:30 a.m. - 4:00 p.m.	Butler County Community College Student Center, Purple Room 901 S. Haverhill Road El Dorado 316-322-3298	KDHE	No Fee
Wednesday, May 15, 2002	8:30 a.m. - 4:00 p.m.	Ft. Hays State University Trails Room, Memorial Union 600 Park St. Hays, Kansas 67601 785-628-5303	KDHE	No Fee
Thursday, May 23, 2002	8:30 a.m. - 4:00 p.m.	Hutchinson Community College Shear's Technical Theater 815 N. Walnut Hutchinson, Kansas 620-665-4994	HCC	CEUs Offered FEE

**DEFINITIONS**

**28-39-144.** Definitions. The following definitions shall apply to all adult care homes except nursing facilities for mental health and intermediate care facilities for the mentally retarded.

(a) "Activities director" means an individual who meets one of the following requirements:

- (1) Has a degree in therapeutic recreation;
- (2) has two years of experience in a social or recreational program within the last five years, one of which was full-time in a patient activities program in a health care setting;
- (3) is registered in Kansas as an occupational therapist or occupational therapy assistant;
- (4) has a bachelor's degree in a therapeutic activity field in art therapy, horticultural therapy, music therapy, special education, or a related therapeutic activity field; or
- (5) has completed a course approved by the department in resident activities coordination and receives consultation from a therapeutic recreation specialist, an occupational therapist, an occupational therapy assistant, or an individual with a bachelor's degree in art therapy, music therapy, or horticultural therapy.

(b) "Administrator" means any individual who is charged with the general administration of a nursing facility, nursing facility for mental health, assisted living facility, or residential health care facility, whether or not the individual has an ownership interest in the adult care home. Each administrator of an adult care home shall be licensed in accordance with K.S.A. 65-3501 et seq., and amendments thereto.

(c) "Adult day care" means an adult care home that meets the definition in K.S.A. 39-923, and amendments thereto.

(d) "Adult care home" means any of the following facilities licensed by the secretary of health and environment:

- (1) A nursing facility;
- (2) a nursing facility for mental health;
- (3) an intermediate care facility for the mentally retarded;

- (4) an assisted living facility;
- (5) a residential health care facility;
- (6) a home-plus facility;
- (7) an adult day care facility; or
- (8) a boarding care home

(e) "Advanced registered nurse practitioner" means an individual who is certified by the Kansas board of nursing as an advanced registered nurse practitioner.

(f) "Alteration" means any addition, modification, or modernization in the structure or usage of a facility.

(g) "Ambulatory resident" means any resident who is physically and mentally capable of performing the following:

(1) Getting in and out of bed and;

(2) walking in a normal path to safety in a reasonable period of time without the assistance of another person.

(h) "Applicant" means any individual, firm, partnership, corporation, company, association, or joint stock association requesting a license to operate an adult care home.

(i) "Assisted living facility" means an adult care home that meets the definition found in K.S.A. 93-923, and amendments thereto.

(j) "Audiologist" means an individual who is licensed by the Kansas department of health and environment as an audiologist.

(k) "Basement" means the part of a building that is below grade.

(l) "Boarding care home" means an adult care home that meets the definition found in K.S.A. 39-923, and amendments thereto.

(m) "Change of ownership" means any transaction that results in a change of control over the

capital assets of an adult care home.

(n) "Clinical record" means a record that includes all the information and entries reflecting each resident's course of stay in an adult care home.

(o) "Controlled substance" means any drug, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111, and 65-4113, and amendments thereto.

(p) "Day shift" means any eight-hour work period that occurs between the hours of 6 a.m. and 9 p.m.

(q) "Department" means the Kansas department of health and environment.

(r) "Dietetic services supervisor" means an individual who meets one of the following requirements:

(1) Is licensed in the state of Kansas as a dietitian;

(2) has an associate's degree in dietetic technology from a program approved by the American dietetic association;

(3) is a dietary manager who is certified by the board of the dietary managers' association; or

(4) has training and experience in dietetic services supervision and management that are determined by the secretary of health and environment to be equivalent in content to paragraph (2) or (3) of this subsection.

(s) "Dietitian" means an individual who is licensed by the Kansas department of health and environment as a dietitian.

(t) "Direct care staff" means individuals employed by an adult care home who assist residents in activities of daily living. These activities may include the following:

(1) Grooming;

(2) eating;

(3) toileting;

(4) transferring; and

(5) ambulation.

(u) "Director of nursing" means an individual who meets the following criteria:

(1) Is licensed in Kansas as a registered nurse;

(2) is employed full-time in a nursing facility; and

(3) has the responsibility, administrative authority, and accountability for the supervision of nursing care provided to residents in a nursing facility.

(v) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given by injection, inhalation, ingestion, or any other means to a resident by an authorized person in accordance with all laws and regulations governing the administration of drugs and biologicals. Drug administration shall entail the following:

(1) Removing an individual dose from a labeled container, including a unit dose container;

(2) verifying the drug and dose with the physician's orders;

(3) administering the dose to the proper resident; and

(4) documenting the dose in the resident's clinical record.

(w) "Drug dispensing" means the delivery of one or more doses of a drug by a licensed pharmacist or physician. The drug shall be dispensed in a container and labeled in compliance with state and federal laws and regulations.

(x) "Full-time" means 35 or more hours per week.

(y) "Health information management practitioner" means an individual who has met the "standards for initial certification" as a registered record administrator or an accredited record technician adopted by the American medical record association, as in effect on October 1, 1990, and hereby adopted by reference.

(z) "Home-plus" means an adult care home that meets the definition of K.S.A. 39-923, and amendments thereto.

(aa) "Interdisciplinary team" means the following:

(1) A registered nurse with responsibility for the care of the residents; and

(2) other appropriate staff, as identified by resident comprehensive assessments, who are responsible for the development of care plans for residents.

(bb) "Legal representative" means an individual person who has been appointed by a court of law as a guardian or has been selected by a resident in a durable power of attorney for health care decisions.

(cc) "Licensed mental health technician" means an individual licensed by the Kansas board of nursing as a licensed mental health technician.

(dd) "Licensed nurse" means an individual licensed by the Kansas board of nursing as a registered professional nurse or licensed practical nurse.

(ee) "Licensed practical nurse" means an individual who is licensed by the Kansas board of nursing as a licensed practical nurse.

(ff) "Licensed social worker" means an individual who is licensed by the Kansas board of behavioral sciences as a social worker.

(gg) "Licensee" means an individual, firm, partnership, association, company, corporation, or joint stock association authorized by a license obtained from the secretary of health and environment to operate an adult care home.

(hh) "Medication" means any drug defined by K.S.A. 65-1626, and amendments thereto.

(ii) "Medication aide" means an individual who has completed a training program in medication administration as prescribed in K.A.R. 28-39-169 through K.A.R. 28-39-171.

(jj) "Non-ambulatory resident" means any resident who is not physically or mentally capable of getting in and out of bed and walking a normal path to safety without the assistance of another person.

(kk) "Nurse aide" means an individual who has a nurse aide certificate issued by the Kansas department of health and environment according to K.A.R. 28-39-165.



(ll) "Nurse aide trainee" means an individual who is in the process of completing a nurse aide training program as prescribed in K.A.R. 28-39-165 or K.A.R. 28-39-167 and has not been issued a nurse aide certificate by the Kansas department of health and environment.

(mm) "Nursing facility" means an adult care home that meets the definition found in K.S.A. 39-923 (a) (2), and amendments thereto.

(nn) "Nursing facility for mental health" means an adult care home that meets the definition of K.S.A. 39-923 (a) (3), and amendments thereto.

(oo) "Nursing personnel" means all of the following:

- (1) Registered professional nurses;
- (2) licensed practical nurses;
- (3) licensed mental health technicians in nursing facilities for mental health;
- (4) medication aides;
- (5) nurse aides; and
- (6) nurse aide trainees.

(pp) "Nursing unit" means a distinct area of a nursing facility serving not more than 60 residents and including the service areas and rooms described in K.A.R. 28-39-162.

(qq) "Occupational therapist" means an individual who is registered with the Kansas board of healing arts as an occupational therapist.

(rr) "Occupational therapy assistant" means an individual who is registered with the Kansas board of healing arts as an occupational therapy assistant.

(ss) "Physical restraint" means any method or any physical device, material, or equipment attached or adjacent to the resident's body and meeting the following criteria:

- (1) Cannot be easily removed by the resident; and
- (2) restricts freedom of movement or normal access to the resident's body.

(tt) "Physical therapist" means an individual who is registered with the Kansas board of healing arts as a physical therapist.

(uu) "Physical therapy assistant" means an individual who is certified by the Kansas board of healing arts as a physical therapy assistant.

(vv) "Physician" means an individual who meets the requirements of the Kansas board of healing arts to practice medicine or osteopathy.

(ww) "Psychopharmacologic drug" means any drug prescribed with the intent of controlling mood, mental status, or behavior.

(xx) "Registered professional nurse" means an individual who is licensed by the Kansas state board of nursing as a registered professional nurse.

(yy) "Respite care" means the provision of services to a resident on an intermittent basis for periods of fewer than 30 days at any one time.

(zz) "Sanitization" means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on utensils and equipment.

(aaa) "Self-administration of drugs" means the determination by the resident of when to take a drug and the application or ingestion of the drug by the resident without assistance from nursing staff.

(bbb) "Significant change in condition" means a decline or improvement in a resident's mental, psychosocial, or physical functioning that would result in the need for amendment of the resident's comprehensive plan of care or negotiated service agreement.

(ccc) "Social services designee" means an individual who meets one of the following qualifications:

- (1) Is licensed by the board of behavioral science as a social worker;
- (2) has a bachelor's degree in a human service field, including sociology, special education, rehabilitation counseling, or psychology, and receives supervision from a licensed social worker; or
- (3) has completed a course in social services coordination approved by the department and receives supervision from a licensed social worker on a regular basis.

(ddd) "Speech language pathologist" means an individual who is licensed by the Kansas

department of health and environment as a speech-language pathologist.

(Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; amended Oct. 8, 1999, amended Nov. 26, 2001.)

**PHYSICIAN SERVICES**

**28-39-155.** Physician services. Each resident in a nursing facility shall be admitted and shall remain under the care of a physician.

(a) The facility shall ensure that both the of the following conditions are met:

(1) The medical care of each resident is supervised by a physician.

(2) Another physician supervises the medical care of residents when the resident's attending physician is not available.

(b) The physician shall perform the following duties:

(1) At the time of the resident's admission to the facility, provide orders for the immediate care of the resident, current medical findings, and diagnosis. The physician shall provide a medical history within seven days after admission of the resident;

(2) review the resident's total program of care, including medications and treatments at each visit;

(3) write, sign and date progress notes at each visit; and

(4) sign all written orders at the time of the visit and all telephone orders within seven days of the date the order was given.

(c) A physician shall see the resident for all of the following:

(1) If it is necessary due to a change in the resident's condition determined by the physician or licensed nursing staff;

(2) if the resident or legal representative requests a physician visit; and

(3) at least annually.

(d) The physician may delegate resident visits to an advanced registered nurse practitioner or a physician assistant.

(e) At admission, the resident or the resident's legal representative shall designate the hospital

to which the resident is to be transferred in a medical emergency. If the resident's attending physician does not have admitting privileges at the designated hospital, the facility

shall assist the resident or the resident's legal representative in making arrangements with another physician who has admitting privileges to assume the care of the resident during hospitalization. This information shall be available on the resident's clinical record.

(f) Death of resident. The nursing facility shall obtain an order from a physician before allowing the removal of the body of a deceased resident.

(Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; amended November 26, 2001.)

**ADULT CARE HOME  
REGULATION AND INTERPRETATION  
BUREAU OF HEALTH FACILITIES**

K.A.R. 28-39-246

K.A.R. 28-39-281

K.A.R. 28-39-430

**Subject:** Supervision of Nurse Aides and Medication Aides

**Date:** December 7, 2001

**Number:** 01-1

**Interpretation:** If the resident receives health care services, the negotiated service agreement must include a health care plan prepared by a licensed nurse. The health care plan must include a description of the nursing services to be provided including directions to nurse aides and medication aides by a licensed nurse responsible for the care of the resident. The health care plan provides evidence that nurse aides and medication aides are supervised by a licensed nurse.

A home health agency or licensed nurse employed by the resident or family to provide nursing care must develop a health services plan related to the services to be provided.

**Discussion:** KSA 39-923 defines supervised nursing care as the “services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures, administration of medications and treatments as prescribed by a licensed physician or dentist; and assistance of residents with the performance of activities of daily living”. A licensed nurse responsible for a resident’s care in the facility must develop a health care plan which provides direction to nurse aides and medication aides who will deliver care. The plan should reflect the resident’s needs and preferences determined by the functional capacity screen and any assessments performed by the licensed nurse. The licensed nurse must provide initial direction for nursing procedures to be performed by nurse aides and medication aides. The nurse aides and medication aides should be able to identify from the plan the circumstances under which they need to consult with a licensed nurse. Periodically, the licensed nurse should record the resident’s response to the health care plan in the resident’s clinical record. This documentation fulfills the requirement for periodic inspection of the nursing procedures performed by nurse aides and medication aides.

The health care plan developed by an outside entity (home health agency or licensed nurse employed by the resident or family) may be attached to or included in the negotiated service agreement. Home health agencies may use a copy of their agency’s plan of care for the resident.

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**ADULT CARE HOME  
REGULATION INTERPRETATION  
BUREAU OF HEALTH FACILITIES**

K.A.R. 28-39-244

K.A.R. 28-39-279

K.A.R. 28-39-428

**SUBJECT:** Negotiated Service Agreement

**DATE:** December 7, 2001

**NUMBER: 01-2**

**INTERPRETATION:** Developing the negotiated service agreement provides a mechanism for the facility to communicate to the resident the services the facility believes meet the needs and preferences of the resident. The resident or the resident's legal representative have the right to fully understand the services being offered by the facility, those provided by another entity such as a home health agency, the cost of those services and who is responsible for payment. The resident or the resident's legal representative must be active participants in the development of the negotiated service agreement. A copy of the negotiated service agreement, signed by all participants in the process, must be provided to the resident or the resident's legal representative each time an agreement is developed.

**DISCUSSION:** The regulations require that the process for developing a negotiated service agreement must be interactive between facility staff and the resident or the resident's legal representative. Surveyors will review the negotiated service agreement of a sample of residents. They will focus on whether the facility identified the needs and preferences of the resident based on the functional capacity screen and assessments performed by staff. The facility is responsible for ensuring the functional capacity screen and other assessments accurately reflect the resident's functional status. It is the responsibility of the facility to ensure that those services identified on the negotiated service agreement are delivered.

When legal representatives live outside the community or are unable to come to the facility, the interactive process in developing the negotiated service agreement can be done through telephone conferences, e mail etc. It is important that the legal representative is an active participant in the process. A copy of the negotiated service agreement can be mailed or faxed to the legal representative for their signature.

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**ADULT CARE HOME  
REGULATION AND INTERPRETATION  
BUREAU OF HEALTH FACILITIES**

K.A.R. 28-39-244(f)

K.A.R. 28-39-279(f)

K.A.R. 28-39-428(f)

**Subject:** Refusal of a service

**Date:** December 7, 2001

**Number:** 01-3

**Interpretation:** The resident has the right to exercise their autonomy and choice within the confines of state law and regulations, community standard of care and the rights of other residents in the facility. Residents or the resident's legal representative must be informed of the ramifications of their refusal of service. The negotiated service agreement must include evidence of the information provided to the resident or the resident's legal representative and the agreement to assume those risks.

**Discussion:** Residents may choose not to follow a prescribed diet, take a prescribed medication, or participate in recommended programs offered by or coordinated by the facility. Facilities cannot agree to risk agreements that include situations that have the potential to adversely affect the health and safety of other residents, are against statutes and regulations, or alleviate the facility from responsibility for providing accepted standards of clinical care. Residents with impaired cognition are unable to give informed consent and therefore cannot enter into a risk agreement.

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